

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES M. FERGUSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:05cv321LG-RHW

ANDREW BALIUS and ALAN L. BOND

DEFENDANTS

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. Pursuant to the Memorandum Opinion and Order issued this date, incorporated herein by reference, it is hereby,

ORDERED AND ADJUDGED that this cause be, and is hereby, dismissed with prejudice as malicious and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(i) and (ii). Therefore, this dismissal will count as a "strike" under 28 U.S.C. § 1915(g).

SO ORDERED AND ADJUDGED this the 11th day of January, 2006.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE